

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3990 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BANASKANTHA MEHSANA GRAMIN BANK OFFICERS' ASSOCIATION

Versus

BANASKANTHA MEHSANA GRAMIN BANK

Appearance:

MR.Mulia for Mr.RC JANI for Petitioner

MR.Rajesh Desai for Mr.PRANAV G DESAI for
Respondents.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 25/02/2000

ORAL JUDGEMENT :

Banaskantha Mehsana Gramin Bank Officers'
Association filed the present Special Civil Application
challenging the inaction and failure of the Chairman of
the respondent Bank to implement the guidelines for
recruitment of staff as approved by the Government of
India and also to pay allowances and benefits as per the
Government of Gujarat Civil Service Rules as promised in
the advertisement for recruitment issued by the said

Bank. The petitioner also challenged the arbitrary appointment of the staff by the Chairman in disregard of the merit list in written and oral examinations. This Court issued notice on 8.8.1986 returnable on 18.8.1986. Thereafter, while issuing rule on 29.8.1986, this Court had passed order to this effect :

"Rule. Heard the parties with regard to interim relief. The learned counsel for the respondents has no objection if the interim relief as follows is granted.

The respondents are directed to notify the merit list on the notice board of the Bank and the respondents are hereby restrained from making appointments from the waiting list without exhausting the merit list. It is further directed that all appointments made hereafter shall be subject to the result of the petition.

In future, as and when the aforesaid list is exhausted, it will be open to the respondents to move the Court for appropriate directions."

2. When the matter is called out, Mr.H.S. Mulia for Mr.R.C. Jani, learned advocate appeared for the petitioner and Mr.Rajesh Desai for Mr.Pranav G. Desai appeared for the respondents. It is submitted that the petitioner seeks promotion from the year 1986; which is already given since 1990. However, there still remains dispute about the deemed date being given to them. It is also submitted by Mr.Mulia for the petitioner that the question about readjusting the seniority of the staff in accordance with the recruitment policy (Annexure 'A') and the dispute regarding giving allowances and benefits at par with the Government employees, to the staff of the Banaskantha Mehsana Gramin Bank remains unresolved. Except for the aforesaid grievance, the petition does not survive. The respondents have already given promotion to the members of the petitioner association.

3. Consensus is arrived at between the parties and thereby it is agreed that the petitioner shall make a detailed representation to the respondent no.1 Bank setting out the grounds on which they still insist for their claim, the learned advocate for the respondents has agreed on behalf of their clients that the respondent no.1, Bank will consider the said representation sympathetically, in accordance with law. In this view of the matter it will be just and proper to give the following direction:

The petitioner shall make a representation within 2 (two) weeks from the date of receipt of this order and the respondent no.1, Bank shall consider the said representation within 4 (four) weeks from the date of receipt of such representation and decide the same sympathetically in accordance with law.

4. In view of the aforesaid direction, the petition does not survive. Rule is discharged with no order as to costs.

5. In case of difficulty it will be open for the petitioner to approach this Court by filing appropriate proceedings and it is made clear that the disposal of this petition will not come in their way. Direct service is permitted.

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